

NEWS NOTES

of the Central Committee for Conscientious Objectors

Vol. 9, No. 4, June, 1957

Philadelphia, Pa.

C.O. Begins Hunger Strike in Prison

Mayer's Tax Suit Dismissed

Milton Mayer's tax suit against the United States Government was dismissed March 18 by Judge Louis Goodman in the U.S. District Court in San Francisco.

When the Government's motion to dismiss was brought before Judge Goodman, he expressed amazement that a citizen should come into a U.S. court claiming a right not to pay legally levied taxes. At the request of Francis Heisler, attorney for Mayer, Judge Goodman agreed to read the written petitions entered in the case. Later in the day, Judge Goodman ordered the suit dismissed. The court made no serious study of the constitutional issues involved.

Milton Mayer, well known pacifist writer and lecturer from Carmel, California, filed his suit last December against the U.S. Government to recover income taxes taken from him forcibly by Internal Revenue officials. Mayer maintained that the Government's coercive action in collecting taxes from him for war purposes was in violation of the First Amendment to the Federal Constitution. Since he objected on religious grounds to participation in war and military preparation in any form, he contended that he was denied the free exercise of his religion when forced to pay income taxes used for military purposes.

Even though he is not of draft age, Milton Mayer asked that he be exempted from contributing to war and to military preparation by exempting him from payment of that part of his income tax which goes for the payment of past, present, and future wars.

Mayer further asked that the Government be permanently enjoined from seizing any of his property in payment of taxes for war purposes.

Plans are being made to carry an appeal to the Ninth Circuit Court of Appeals provided sufficient additional funds can be raised to defray appeal costs. Mayer's attorney pointed out that the ruling in the Mayer tax case, if allowed to stand, conflicts with two Selective Service cases in which the courts have held that any contribution to the military program was a basis for denying a C.O. classification. Heisler suggests that it is difficult to argue against the view that if a C.O. may not supply his farm products to the war effort, he cannot supply his share of the tax money for the purchase of weapons and retain his claim as a sincere C.O.

Contributions to the Mayer Tax Suit may be mailed to CCCO, 2006 Walnut Street, Philadelphia 3. Make checks payable to CCCO, but mark "Mayer Tax Suit." A second \$1,000 must be raised if an appeal is to be taken.

Eichel Protests Continued Confinement Mother Commences White House Vigil

Seymour Eichel began a hunger strike on May 10 in protest against forced typhoid inoculations administered to him by officials of the Federal Detention Headquarters in New York City. Twelve days later, as NEWS NOTES went to press, Eichel still continued to refuse all food, drinking only water regularly.

Five months after being admitted to the detention center, Eichel was ordered to submit to inoculations. He submitted to the first shot under protest but refused to submit voluntarily to the second inoculation. He was seized and held by guards while the injection was administered.

Following the second inoculation, Eichel informed the warden, Frank Kenton, that he was commencing a fast as a daily and continuous protest against further assaults upon his body, and in protest against his continuous imprisonment as a conscientious objector.

Eichel refused to obey the warden's order to report to the prison hospital for constant observation to protect his health. He resisted non-violently as prison guards picked him up, carried him to the hospital, undressed him, and placed him in a hospital bed.

George Willoughby, CCCO executive secretary, and Ernest Kurkjian, CCCO board member, visited Seymour Eichel on the beginning day of his fast. Warden Kenton informed Willoughby and Kurkjian that he intended "to protect" Eichel's health even if force feeding was necessary.

Seymour Eichel's father, Julius, reported that Seymour continues in good spirits after twelve days of fasting. Prison officials have threatened a transfer to another prison in an effort to break Eichel's hunger strike.

Esther Eichel, the mother of Seymour, began to picket the White House on May 20. She informed the press that she would continue her picketing until her son was released from prison.

Eichel was arrested last year and found guilty in the U.S. Federal District Court of refusing to register for the draft eight years ago. He was sentenced to one year imprisonment. A few days after he entered prison last December he commenced a three-day fast in protest against the prison practice of passing food under the bars to the new inmates still in quarantine. Eichel has refused to perform any work which contributes to the operation of the prison. He spends much of his time writing letters for prisoners.

I-A-O Training Center Visited

Six Jehovah's witnesses, assigned to the C.O. training center at Fort Sam Houston, Texas, have refused during recent weeks to salute their officers and the flag. This information was uncovered by George Willoughby, CCCO executive secretary, and Melvin Zuck, American Friends Service Committee peace education secretary in Austin, Texas, when they visited the C.O. training center several days ago.

Willoughby and Zuck visited two J.W.'s who have been confined to the post stockade for seven weeks because of their refusal to salute. Courtmartial proceedings have been postponed while applications for discharge are being processed. The commander of the post stockade reported that the two J.W.'s were model prisoners. A third man's orders for overseas duty were cancelled by Washington until his discharge request was acted upon. Three other J.W.'s finally agreed to obey orders and to salute.

With the exception of the saluting problem, officers in charge of the I-A-O training unit at Fort Sam Houston report that the program has operated without difficulty during the past year. At least two C.O.'s were given honorable discharges because of their conscientious convictions against all military training.

Army regulations provide that all I-A-O men (C.O.'s willing to do noncombatant work) inducted into the army are to be assigned to the special C.O. training unit, now in its fourth year, at Fort Sam Houston. All C.O.'s assigned to Fort Sam Houston are given 16 weeks of basic training in army medical practices. The lieutenant commanding the C.O. platoon reported that 149 I-A-O men are currently receiving their first eight weeks basic training. A new C.O. training platoon is started every three weeks with an average of 45 men. Following a second eight weeks advanced training course, these C.O.'s are assigned to military installations and hospitals throughout the U.S. and abroad. About one-half of the I-A-O men are Seventh-Day Adventists.

While the special training program for C.O.'s does not include training with firearms, post officers report that over 90 percent of the C.O.'s volunteer to take the land mine warfare course which authorities term "defensive training." C.O.'s volunteering for this training must sign a statement to that effect.

Briefly Noted

John Ramsey, a member of the Celo, North Carolina community, was finally given a I-O classification after five years of repeated appeals and court action. He was indicted in 1953 for refusing induction into the armed forces but the charge was later dropped by the government. Ramsey reports that his voluminous draft file contains over 80 letters from persons supporting his position.

* * *

Jens Kleinert, 19-year-old member of the War Resisters International, is the first German C.O. to receive legal recognition under West Germany's new conscription law. A Hamburg C.O. tribunal granted him conditional exemption, March 18.

Two days later, another 19-year-old, Schneider,

became the second German C.O. to secure legal recognition. He was granted conditional exemption by the tribunal.

* * *

Pvt. Peter H. Green of Evanston, Illinois, has been refused a noncombatant assignment by the Marine Corps. He volunteered last summer after graduation from high school. By March of this year he had become a conscientious objector. He refused to carry a rifle and is now facing courtmartial. Green, a member of the Methodist church, has the backing of his family and church. Civil counsel has been retained to defend him before the courtmartial.

* * *

The New York Civil Defense cases of 1955 and 1956 have been merged for purposes of appeal. Argument on the appeal will be made by early summer.

* * *

Massachusetts Institute of Technology has finally exempted a conscientious objector from compulsory R.O.T.C. M.I.T. is the twenty-third land grant college out of 42 to exempt C.O.'s from R.O.T.C.

* * *

Fifty pacifists issued a joint statement through Peacemakers, in April, stating: "Because such a large proportion of federal taxes goes for weapons of war such as H-bombs, guided missiles and nerve gas, we have declined to pay income taxes for 1956 and do not intend to pay for 1957."

* * *

Wanted: single or married men to organize and lead weekend work camps in Philadelphia beginning September 18. Experience helpful; capacity to grow in leadership important. C.O.'s interested in further details should write to David Richie, Friends Social Order Committee, 1515 Cherry Street, Philadelphia 2, Pa.

Army Discharges Pinckney

Benjamin Pinckney of Williamstown, New Jersey, was confined in the post stockade at Fort Sam Houston, for 25 days before being released from the army with a general discharge under honorable conditions late in March. Pinckney was given a I-A-O (noncombatant) classification by his draft board and inducted into the army last December. He is a member of the Church of Our Lord Jesus Christ of the Apostolic Faith in Philadelphia, and is opposed to all military duty.

When Pinckney arrived at Fort Sam Houston he refused to salute his officers and the flag. He also refused to participate in the infiltration course required of all men in the I-A-O medical training center at the post.

Military officials accused Pinckney of seeking excuses in order to avoid doing military duty. He was interviewed by six military chaplains, one of whom endeavored to persuade him that it was all right to kill the way the army did — in self defense! An army psychiatric examination determined that he was not psychotic.

While in the stockade, Pinckney was placed in solitary confinement for five days. He was finally placed in administrative segregation before being discharged.

Court martial Nine Dutch C.O.'s

Nine Dutch C.O.'s were brought before a court martial in The Hague, Holland, last January. Hein van Wijk, attorney for eight of the C.O.'s, reported that these men, born in 1936 and 1937, had all experienced war and military occupation. The court martial sent three of the C.O.'s back to their advisory committees for further consideration, and released two others on medical grounds. The remaining four C.O.'s were given prison sentences ranging from 24 to 30 months.

While the Netherlands has had military conscription since 1814, legal recognition of the conscientious objector on religious or moral grounds came only in 1923. That law provided noncombatant work for those willing to perform such military duty, and civilian work for those opposed to all military duty. The C.O. who is allowed to perform civilian work in a hospital, a state institution, or forestry project must give one year more service than required of the soldier.

Under Dutch law the C.O. must request the Minister of War to assign him to noncombatant duty or to relieve him from all military duty. Each C.O. is given opportunity to present his case before an Advisory Committee. The C.O. cannot have the assistance of legal counsel at this stage. There is no appeal from the Advisory Committee's decision.

According to Hein van Wijk, attorney who has represented most Dutch C.O.'s in the past years, about 60% of those applying for C.O. status were granted until recent years. He reports that this ratio now runs as high as 80%. Several hundred C.O.'s apply for recognition each year.

Many of those who fail to secure recognition as C.O.'s are found medically unfit for military duty. The rest must report for military duty or appear before a court martial authorized to hear C.O. cases. The court martial can sentence up to 8 years imprisonment for disobedience to military orders. However, the usual sentence inflicted on C.O.'s has been three years. Most objectors are given conditional releases at the end of two years. However, during the war against Indonesia, from 40 to 60 objectors remained in jail until peace was reestablished. Only six or seven C.O.'s currently are in prison.

According to Hein van Wijk, the military courts of the Netherlands have developed a completely new jurisprudence on conscientious objectors. He states that before 1946 the court martial dealt more or less automatically with the C.O. If the term of military service was six months, the C.O. usually was sentenced to eight or nine months in prison. As the term of military service grew, the punishment for refusal to serve grew.

Following World War II the court martial adopted a policy of careful consideration of each C.O. case. If there was any indication that the man was medically unfit for military duty, he was released by the court. The courts even look into the facts of each case to see if the C.O. Advisory Board had erred in denying C.O. status. If the court felt an error had been committed, it sent the case back to the Advisory Committee for re-hearing. Many of these men are recognized as "principled objectors" at the second hearing before an advisory board. Only those cases remaining before the court martial received three-year sentences. As a result of these recent trends relatively few cases are tried by the court martial.

Judge Rules on Draft Clause

Federal Judge Devitt, of Minneapolis, granted American citizenship early this year to Folmer F. Hansen, conscientious objector who came to this country from Denmark in 1926.

The U.S. Naturalization Service recognized the sincerity and religious nature of Hansen's belief, but held that his religious training was not opposed to military service. The court contended that his C.O. belief was not in harmony with his religious training.

The court, in granting citizenship to Hansen, held that it was not within its power to give separate meaning to and require separate proof for the "training" and the "belief" set out in the draft law. Congress had specifically defined the phrase "religious training and belief" as "... an individual's belief in relation to a Supreme Being involving duties superior to those arising from any human relation..." Judge Devitt further stated that "the phrase is defined in toto as a single concept, and to attempt an independent consideration of the word training would be to ignore the apparent scheme of the statute."

The court also held that the fact Hansen's belief was based on a personal religious code rather than the church to which he belonged, did not disqualify him for exemption as a C.O.

While serving in the armed forces of Denmark many years ago, Folmer Hansen became a C.O. Years later, in the United States, he registered under the 1940 draft act as a C.O.

Hansen was raised as a child in the State Lutheran Church of Denmark. At the age of 12 he left the church, became an agnostic, but eventually rejoined the church. After his return to his religious faith, he first expressed objection to military duty.

When Hansen applied for American citizenship he stated to the examining officer of the Naturalization Service, "I believe that God is the source and cause of my opposition. It is my will to do God's Will, and my conscience before God restrains me from being a party to war." Hansen further stated that he was guided in his objection to war by a personal code, which he described as a personal religious code, not a mere moral code unrelated to a Supreme Being.

The Immigration and Nationality Act of 1952 provides that conscientious objectors to war may take an alternative oath to do either noncombatant duty in the armed forces or civilian work when required by law. Alien C.O.'s who are otherwise eligible for citizenship and who are willing to take an alternative oath should have no difficulty being naturalized. At least 50 alien C.O.'s have been naturalized since 1951.

WHAT, NO C.O.'s?

"In the battle between the sexes," notes Myron Cohen, "I've never met a conscientious objector."

(Quoted by Earl Wilson in his column, IT HAPPENED LAST NIGHT, New York Post, April 24, 1957.)

Oregon Board Flouts Regulation

When Frederick Gross, young Reed College student from Newark, New Jersey, recently appeared before a Portland, Oregon, draft board to register for the draft the clerk of the local board requested him to fill out the Classification Questionnaire which all registrants must fill out. Gross complied.

When the clerk observed that Gross had signed the section indicating that he was a conscientious objector, she produced a copy of the Special Form for Conscientious Objectors and requested that he fill it out immediately. Gross was so surprised that he failed to protest the board's illegal action at the time, and filled in the questionnaire.

The Portland draft board acted contrary to Selective Service regulations in both instances. There is no regulation requiring a registrant to fill out either classification form at the local board office. Selective Service regulations allow ten days for the answering of the Classification Questionnaire. The form is customarily mailed to the registrant after he has been registered.

When the C.O. returns his Classification Questionnaire the local board must then mail him the Special Form for Conscientious Objectors. Five days are allowed for the return of this questionnaire. The local board may grant additional time for the filing of either questionnaire.

Upon the advice of Bernhard Fedde, Portland attorney, Gross wrote his draft board requesting that they send him another copy of the C.O. classification questionnaire. Shortly after, he received a I-A classification from the local board in New Jersey. He again wrote to request another copy of the C.O. classification form. He stated that, "the records should be clear that this Form 150 was written on the spur of the moment on the wrongful insistence of the local board clerk in Portland, Oregon. I do not know what I wrote due to my emotional state at that time."

When Bernhard Fedde brought this highly irregular procedure to the attention of the State Selective Service office in Portland, he was informed by one officer that the procedure of the Portland board was a splendid means of getting the registrant to state his position without the benefit of parental influence or pastoral interference. The official indicated that the Oregon Selective Service office intended to continue this procedure of requiring C.O.'s to fill out the classification questionnaires at the draft board office. Protests against this illegal action are being made to National Selective Service.

Room 300
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THE COURT REPORTER

I PROSECUTIONS

Sentences

(None reported since last issue)

Arrests

Illinois—William Henry, Joni Petersheim

II RELEASED FROM PRISON

On parole

3-31-57 Marvin J. Kein

4-9-57 Abraham Bontrager, Levi Lehman, Enos Yoder

4-30-57 Ammon N. Nolt

III MEN CURRENTLY IMPRISONED

Danbury, Conn.—Aaron W. Hoover

Englewood, Colo.—Donald Bruce Reed

Federal Detention Headquarters, New York City—Seymour Eichel

Springfield, Mo.—Ronald Hertlein, John Martinson

Tucson, Ariz.—Joe Mike Ayers, Arthur P. Clark, Vern Davidson, Nick Kaline

Total number of C.O.'s convicted since 1948 to date: 324. (This is a minimum number: J.W.'s and Muslims are not included, and we miss a few.)

SATYGRA HOP

Over two hundred University of Wisconsin students attended an "anti-military" ball recently in the Student Union Building on the Wisconsin campus, shortly after the annual military ball.

The ball, a protest against compulsory R.O.T.C., was widely advertised as a "Satygra Hop." During the intermission an original play was presented illustrating a non-violent approach to world tensions. A table covered with pacifist literature added an unusual educational note to the ball.

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